

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated September 29, 2009 (U.S. Patent Office Paper No. 20090924). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 27-32 stand for consideration in this application, wherein claims 1-4 and 8-11 are being canceled without prejudice or disclaimer, and wherein claims 27-32 are being newly added.

All amendments to the application are fully supported therein. For example, the amendments to the claims are supported by paragraphs [0034-39], [0061], [0064-65], and [0067-69] of the present application as originally filed, as well as by Figures 2-4 and 17-19. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Prior Art Rejections

The Examiner rejected claims 1-4 and 8-11 under 35 U.S.C. § 102(b) as being anticipated by Aigner (WIPO Patent Pub No. WO 01/46664). Applicants have reviewed the above-noted rejections, and hereby respectfully traverse.

For anticipation to be present under 35 U.S.C. §102, "[t]he identical must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). More particularly, under 35 U.S.C. §102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). That is, to anticipate a claim under §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Burient, Inc.*, 827 F.2d 744, 747 (Fed. Cir. 1987).

As outlined above, claims 27-32 remain of record. Applicants respectfully submit that Aigner fails to show each and every limitation of claims 27-32. For example, Aigner fails to teach or disclose "a pad **connected** to the mechanical element" as required by independent claim 27. Rather, Aigner, which will be discussed hereon with reference to the

cited reference's corresponding issued U.S. patent (U.S. Patent No. 6,839,962) contrastingly provides that "a micromechanical structure...contains a base body 1 and is connected to a covering body 2 at a common boundary surface 3. Disposed on the base body 1 are a micromechanical structure 17 and an electrical contact 9....[T]he composite body 4, which contains the base body 1 and the covering body 2, is consequently laminated onto the film 10. Disposed in the composite body 4 is **a cavity 5, in which the electrical contact 9 is located.** Also disposed in the composite body 4, along the common boundary surface 3, is **a cavity 18, in which the micromechanical structure 17 is located.**" (Col. 5, ll. 32-45) (emphasis added). An electrical contact located in a first cavity that is isolated from a second cavity in which a mechanical element is located, as described in Aigner, is clearly not a pad that is connected to a mechanical element, as required by claim 27. For at least this reason, claim 27 is patentable over Aigner.

As another example, Aigner fails to teach or disclose "a second substrate sealing the mechanical element and having a fifth side between the first and second sides of the first substrate and a **sixth side between the third and fourth sides of the first substrate**" as required by claim 27. Rather, Aigner describes a contrasting sawing method in which "individually separated chips 11 which have the electrical contacts 9 on one side can be sawn out from the composite body 4." (Col. 6, ll. 24-27). More particularly, Aigner provides that "the sawing proceeds in such a way that the cavity 5 is at least partially sawn through, so **that the individually separated chip 11 represented in FIG. 3 is produced.**" (Col. 5, ll. 56-59). Aigner further provides that, "[w]ith reference to FIG. 8B, two rows of electrical contacts 9 are disposed in the cavity 5. The cavity 5 is opened by **a sawing-in operation along the dashed line 19** on the covering body 2." As can be seen in both Figures 3 and 8B of Aigner, by the sawing method in which the covering body 2 is sawed only along only a single dashed line 19 to form the individually separated chip 11, the separated chip 11 thus retains three sides in common with sides of the base body 1 and only one side, the side defined by the dashed line 19, that is not in common with a side of the base body. A separated chip 11 that has only one side that is between a pair of sides of a base body, as provided in Aigner, is clearly not a second substrate that has a fifth side between first and second sides of a first substrate and a sixth side between third and fourth sides of the first substrate, as required by claim 27. For at least this reason, claim 27 is patentable over Aigner.

As yet another example, Aigner fails to teach or disclose that "the pad is disposed in **an area surrounded by the first side, the third side, the fifth side, and the sixth side**" as required by claim 27. As discussed above, Aigner fails to teach or disclose a second substrate

that has a sixth side between third and fourth sides of the first substrate. From this, it logically follows that Aigner does not teach or suggest any first area that could be surrounded by sides that include a third side of a first substrate and a sixth side of a second substrate. Furthermore, Aigner also provides that, “[a]fter sawing-up into individual chips, **electrical contacts 12 are located on one side of the chip 11.**” (Col. 6, ll. 36-37) (emphasis added). An electrically contact that is located on one side of a separated chip, as described in Aigner, is clearly not a pad disposed in an area surrounded by two sides of a second substrate, as required by claim 27. For at least this reason, claim 27 is patentable over Aigner.

As still yet another example, Aigner fails to teach or disclose that “the second substrate includes...a second area between the sixth side and the fourth side as adhesion areas between the first substrate and the second substrate” as required by claim 27. As discussed above, Aigner fails to teach or disclose a second substrate that has a sixth side between third and fourth sides of the first substrate. From this, it logically follows that Aigner does not teach or suggest two areas of a second substrate where one of the areas is between respective sides of the first and second substrates and the other area is between different respective sides of the first and second substrates, as required by claim 27. For at least this reason, claim 27 is patentable over Aigner.

For at least these reasons, Applicants respectfully submit that Aigner fails to teach each and every limitation of claim 27 and, therefore, that claim 27 is now in condition for allowance. For at least similar reasons to those discussed above with reference to claim 27, Aigner also fails to teach or disclose any of the following similar limitations required by independent claim 30: “a pad connected to the mechanical element”; “a second substrate...having a fifth side between the first and second sides and **a sixth side and a seventh side between the third and fourth sides**”; that “the pad is disposed in an area surrounded by the first side, the fifth side, the sixth side, and the seventh side”; and that “the second substrate includes a first area between the third side and the sixth side and a second area between the fourth side and the seventh side as adhesion areas between the first substrate and the second substrate.” For at least these reasons, Applicants respectfully submit that Aigner fails to teach each and every limitation of claim 30 and, therefore, that claim 30 is also now in condition for allowance.

Because claims 28 and 29 depend either directly or indirectly from claim 27 and claims 31 and 32 depend either directly or indirectly from claim 30, Applicants respectfully submit that Aigner also does not anticipate claims 28 and 29 and claims 31 and 32 for at least the same reasons as it does not anticipate claims 27 and 30 respectively and, therefore, that

claims 28, 29, 31, and 32 are also now in condition for allowance. Applicants therefore respectfully request reconsideration and withdrawal of the rejections based on Aigner and submit that the present invention as claimed is distinguishable and thereby allowable over the prior art of record.

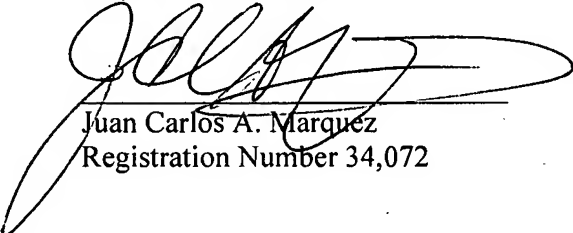
Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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